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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/12/2002

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EXAMINER

TSIDULKO, MARK

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,579

Applicant(s)

VOGEL ET AL.

Examiner

Mark Tsidulko

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 18 and 21 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 13, 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer (U.S. 4,173,038).

Kiefer discloses (Fig.2) an apparatus for displaying images having:

- a light transmissive inner hollow body having a central axis and a surface with images thereon;
- an electric light source inside inner body which has translucent images;
- an outer hollow body surrounding inner body and having a common central axis having a light transmissive material (col.2, lines 66-68);
- an electric motor which rotates the inner hollow body.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, that the motor may rotate inner or outer body depending on which body is attached to the motor according to necessity.

Art Unit: 2875

2. Claims 3, 11, 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer (U.S. 4,173,038) in view of Moedt (U.S. 5,379,271).

Moedt discloses (Fig.1) an inner and outer hollow bodies which are spherical and concentric. Outer hollow body (Abstract, [20]) is a translucent and has an images on a surface.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the spherical concentric inner and outer bodies of Moedt for apparatus of Kiefer in order to form globe shape.

3. Claims 4, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer in view of Wu (U.S. 6,022,118).

Wu discloses (Fig.2) an apparatus having housing [1] fixed to the outer hollow body holding electrical motor [4] and light source rotatable with respect to the housing.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the housing of Wu for the apparatus of Kiefer in order to obtain rotation of hollow body about axis.

4. Claims 5, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer and Wu as applied to claims 4, 15 above, and further in view of Ho (U.S. 5,552,975).

Ho discloses (Fig.2) a rotating member [55] which is driven by motor, light source being fixed in a rotating member, inner hollow body [2] having a neck [25] (col.2, line 50) engaging rotating member

Art Unit: 2875

(col.3, lines 13-23). It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the rotation member of Ho for the apparatus of Kiefer and Wu in order to obtain rotation of inner hollow body.

Claims 6, 7, 10, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiefer Wu and Ho as applied to claims 4, 5 and 15 above, and further in view of Suzuki (U.S. 4,493,648).

5. Referring to Claims 6, 10 Suzuki discloses (Fig.2) a globe hollow body having two openings concentric to an axis and axially opposed one from another.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide the inner and outer hollow body with concentric openings shown by Suzuki for the apparatus of Kiefer for purpose of rotation these globes about the axis.

6. Referring to Claims 7, 17 according to Suzuki's design, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, that the both hollow bodies may be made with one or two openings engaged with housing dependent on necessity.

Allowable Subject Matter

Claims 8, 9, 18, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if Claim 8 will be rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2875

The following is an examiner's statement of reasons for allowance:

7. Referring to Claims 8, 9 the prior art of record does not disclose proper motivation for combining the following features:

- housing is formed with a circumferential flange;
- opening being formed in two halves with a channel concentric to an axis;
- channel engaging the flange when halves are assembled.

8. Referring to Claim 18 the prior art of record does not disclose a cover which is ^eengageable to outer hollow body to cover the opening.

9. Referring to Claim ²¹~~18~~ the prior art of record does not disclose at least one tubular sleeve fitted to at least one of inner hollow body and outer body and having translucent imagery.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7724 for After Final communications.

Art Unit: 2875

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
June 28, 2002


Stephen Husar
Primary Examiner


Application/Control Number: 10/034,579

Page 6

Art Unit: 2875

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

M.T.
August 8, 2002


Stephen Husar
Primary Examiner